To be preserved for the present

dy 21/4/31

G.R.S. IX—5]

Previous references. 1924. (R.A.) R.A File No. 29-23

Serial Nos. 18, 26, 32, 459

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4

√

Part B for September 1924

SUBJECT

Appeal against the decision of the Dy Comr Tumkur in re the election of Mr. G. Rangabhadachar as a member of the R. A. from the Gubbi Urban Constituency

To Mr. G. Munigappa, Merchant, Gubbi.

(459) No. 8750 dt 18.8.24.

Govt decline to interfere with the decision of the Dy Comr Tumkur

V. Venkata Iyengar 20/9/24

G. R. S. III-1]

1923-24

4:44 (1

GENERAL AND REVENUE SECRETARIAT

(ORA)

NOTES.

File No. 29-23

FILE HEADING.

Appeals against elections to the Representative Assembly

From

Dr. M. G. Maniyappa, Gubbi

No. Petition Dated 15. 3. 24 Received 15/17. 3. 24

Diary No. 4044 Enclos. Spare Copies. [Serial No. 18

BRIEF ABSTRACT OF LETTER.

Appeals against the decision of the Deputy Commissioner Tumkur dt in re: the election of Mr. G. Rajagopalachar to be a Member of the Rep: Assembly from the ~~Gubbi Rural Constituency~~.

NOTES AND ORDERS.

Draft Lr. forwarding the petition to the Deputy Commissioner Tumkur for report with records & submitted for approval. Issue.

4.3

18/3

19

NOTES—First Sheet.

G. R. S. III-2.

4297 C

General and Revenue Secretariat. | R.A File No. 29 of 1923.

Serial No.	
26	To the D.C. Tumkur Dist. ~~Forward~~ ~~appeal petition~~ P. 5357. Dt 22.3.24. Forward the appeal petition for report with record very early.
32	From D.C. Tumkur Dist Lr. 346/23-24 Dt 27.3.24. Forward the file of records connected with this order invalidating the Election of Mr. G. Murigappa to R.A.
	3 Submitted for perusal with reference duly flagged
	4 The records show that Mr. G. Murigappa, the appellant employed Agents to canvass votes for him, votes in an illegal manner. And that he has rightly been found guilty of Corrupt practices in the course of his election Campaign.
	5 The appellant ~~says~~ says that he has not been heard Vide Rule 6 (a) of Notfn No. P.2460 Legis 12-23-7 Dt 7.11.23.
	6 The appellant's statement has also been obtained by the Deputy Commissioner in the course of the enquiry wherein

His Son-in-law and a Sanitary Maistry

In his appeal petition Para 4

Enclosure to Pr D Flag (C)

Flag J

NOTE—Contn. sheet.

429

G. R. S. III-21

General and Revenue Secretariat.

File No. 29 of 1923-24.

Serial No.	
	He denies all the allegations against him.
	4.4.24
	7

G.R. S. III-2.

General and Revenue Secretariat. RA File No. 29 of 1923.

Serial No.

7 This relates to the election of Mr. Muruganpa for the urban constituency of Gubbi.

8 The grounds on which the petitioner sought to set aside the election of the opponent are (1) that the opponent who was the Vice President of the Municipality used his influence by means of his official subordinates, the Sanitary Maistry to induce the voters to vote for the opponents. (2) that the opponents and his agents were influencing the voters by threats and promises of benefits, and (3) that the opponent had given refreshments to the voters and he or his agents were inducing them to vote for the opponents.

Flag D 9 The polling officer who was the Amildar P.W.2 speaks to the Sanitary Maistry being posted for the duty with three others to help the polling officer and to the Sanitary Maistry not turning-up to the duty at all. That the Sanitary Maistry was sitting at the entrance door-way of the Polling room and was giving chits containing the opponents name is evident from the evidence of P.W.4 Mahomed Ghouse and P.W.1 Giriya. Flag C Flag A That he was obstructive to those who were not going to Vote for opponent is clear from the evidence of Mahomed Ghouse who says that the Sanitary Maistry Flag D

NOTE—Contn. sheet.

Serial No.

did not allow the compounder to vote and that he snatched a chit from a voter who was going to vote for one Abdul Rahiman. P.W.9 Bidare Chennappa also speaks to the Sanitary Maistry obstructing him and stopping him. The polling officer P.W.5 also speaks to the petitioner complaining to him of the conduct of the Sanitary Maistry and to his sending him out and the latter to P.W.9 Chennappa again complaining of the obstructive conduct of the Maistry. There is therefore no room for doubt that the Sanitary Maistry was actively engaged in using his influence as the subordinate official of the opponent in not only inducing the voters to vote for the opponent but also in obstructing those who were not going to vote for the opponent. The opponent did not examine the Sanitary Maistry to make him deny these allegations.

10 With regard to promises of benefit, threats, P.W.5 Gurudasappa, P.W.6 Hutcha and P.W.7 Lodda Rangaiya corroborate the petitioner who says that the opponent was asking the Audi Dravidas to take the Pulley which was in his house. Hutcha and Lodda Rangaiya also speak to the opponent's son and son-in-law threatening the Adi Dravidas to be careful as to whom they were voting and to be mindful of their carts going to the town. The opponent is also

NOTE—Contn. sheet.

Serial No.

stated to have told the voters that he would know the persons for whom they would vote as the polling box would be in his office. (See the evidence of P.W.8 Cheluvaiya) These facts clearly establish that the opponent and his agents were influencing the voters by promises of benefits and by threats of injury. The evidence of Mudamma, the Court witness also corroborates the evidence of the previous witnesses.

|| The evidenceof the petitioner and the Patel P.W.10 shows that the opponent was supplying refreshments to the voters. The evidence of P.W.5 Gurubasappa and P.W.8 Cheluvaiya, though hearsay corroborates the petitioner and the Patel. The evidence of O.W.4 Subbarayappa that he was giving refreshments is not believable. For his explanation as to why he did not give it on the 16th is not satisfactory. The evidence of O.W.2 Chandrappa and O.W.3 Lakshminaranappa is unworthy of credit, since they are interested. Evidence of O.W. 2 specially is full of inconsistent statements. The chits containing the name of opponent are alleged to have been written in the refreshment stall. Two of the chits exhibits A to A 4 are admitted to be in the writing of the opponent's son by the opponent himself. The third is admitted by O.W.4

NOTE—Contn. sheet.

Serial No.

Chendrappa to be in the handwriting of opponents Son-in-law.

12 The arguments urged ** by the opponent is that even if the Saritary Maistry, orponent's son and his Son-in-law and other people have acted as they are alleged to have, thepetitioneris not responsible for these acts. The official subordination of the Sanitary Maistry and the Close relationship of the other two are enough to establish that they were acting for the opponent. Besides it is not shown for whom they were acting.

13. Thus it is proved that the opponent did by himself or his agents with a view to induce the Voters to vote for him, promise individual profit and held out threat and also entertained the voters shortly before the poll to induce them to vote for him and his conduct therefore amounts to corrupt practice within the meaning of Rule 2 (i) and (ii) of the rules. (Page 88 of the Manual.)

Plea A

Plea B

14 In the appeal memo it is urged that the Deput Commissioner did not take the explanation of the opponent as required by Rule 6 (a) The opponent filed an objection statement on 1-3-1924 meeting the allegations in the petition. Besides he was examined as a witness. What other opportunity he should have been given for explanation isnot clear

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

DEWAN'S OFFICE,
Rec'd on 7 AUG. 1924
Reg. No. 1074

15 Submitted Recorders

16 The evidence adduced by the petitioner clearl shows, first, that Murigappa (the successful candidate and Vice-President of Municipal Council) did employ his subordinate-a Sanitary Maistry, his son-in-law and his son to hold out threats and individus benefit to the voters; secondly, that he himself was asking Adi Dravidas to take the Pulley which was in his house, and, thirdly, that he and his agents entertained the voters with a view to induce them to give their votes in his favour.

17 These facts are found by the Deputy Commissione There are no valid grounds to impeach his findings. These facts doubtless constitute corrupt practice within the meaning of Rule 2(i) and (ii) of the Rul (See page 88 of Volume I (Manual).

18 The Government may not perhaps interfere with t order appealed against.

Dewan. 19. Papers to appeal suite Dewan.

21. Draft submitted.

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

R.A File No. 29 of 19 23-4

459j

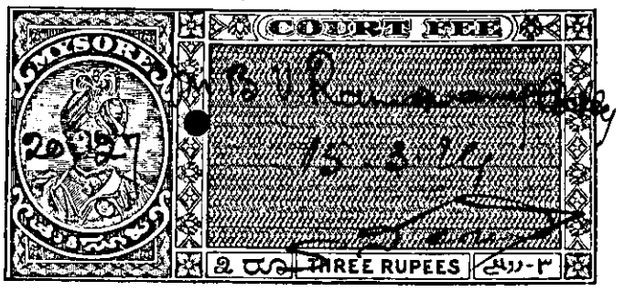
9

Serial No.	
59	To Mr. L Murigappa Merchant, Gulbi No P. 750 dt 18-8-24. With reference to his appeal petition praying that the order of the D.C. Dharwar setting aside his election from the Gulbi Urban Constituency may be reversed with costs, informs that Govt find no grounds to interfere with findings of the D.C and dismisses the appeal Memo no P. 757. dt 18 & 24. To copy to D.C. Dharwar & returns the record.

B2

3/9

NOTE—Contn. sheet.



4044
P 10
R.A. 29-23
R. 18

L. & REV. SE
Petn
7 MAR 1924

RA 29-23
R. 18

Before the Government of His Highness the Maharaja of Mysore

His Appeal No. of 1923-24.

3,890

Appellant and opponent	Respondent and Petitioner
G. Durgappa	G. Rajagopalachar
Merchant, Gubbi	Gubbi, Tumkur
Tumkur District	District

Under Rule 6 of Notification No. P. 2400 Legis 12-23-7, dated 7th November 1923, the Appellant above-named most respectfully begs to prefer this Appeal against the order of the Deputy Commissioner, Tumkur District, (in objection petition No 2 of 1924) dated 8.3.1924, declaring the election of the Appellant to the Representative Assembly to be invalid for the following amongst other reasons:

1. The Learned Deputy Commissioner is wrong in having cancelled the Election of the Appellant.

2. His finding that the Appellant is guilty of having committed corrupt practices is erroneous and is based on most untenable and unsatisfactory grounds and interested, contradictory and unreliable evidence.

3. The Learned Deputy Commissioner has failed to properly appreciate the evidence in the case. He has based his finding on bare unjustifiable presumptions and incorrect inferences.

4. The decision of the Deputy Commissioner is invalid in as much as he failed to receive opponents (appellants) explanation as required by rule 6 (a). Appellants Exh 3 Flag (7)

5. Assuming but without admitting that the acts alleged were committed by various persons at the time of Election, they do not constitute corrupt practice on the part of the Appellant (Opponent). The Deputy Commissioner failed to consider this aspect of the case.

6. The order of the Deputy Commissioner is further opposed to law, facts and probabilities of the case.

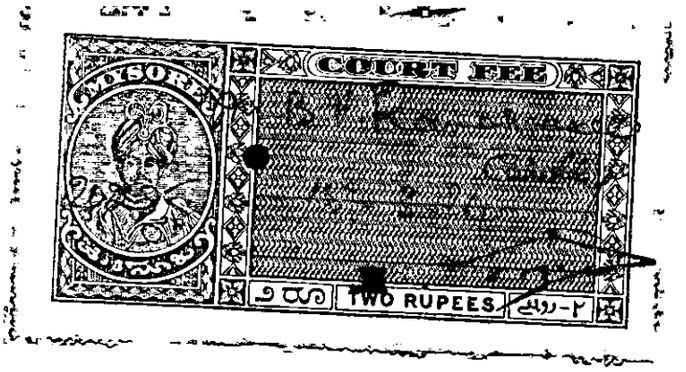
7. The order of the Deputy Commissioner with regard to the payment of costs is wrong.

8. The Appellant prays that the order of the Deputy Commissioner be set aside with costs and the election of the Appellant be declared quite valid

G. Nirgappa
Appellant

Bangalore City
15th March 1924

D. Subbaraya Chetty
R. Venkata Narasimha
Advocates for Appellant



12)

In the Court of the

Before the Government of His Highness the Maharaja of Mysore.

His Highness CASE NO. OF 1923.—1924.

Appellant Plaintiff petitioner		*Respondent Defendant.*
G. Munigappa	Vs.	G. Raja Gopala Chari

1. I the Petitioner above named do, by these presents, retain Messrs. B. V. RAMASWAMY CHETTY, Advocate, R. VENKATA RAMIAH, M A., L. L. B. and A. J. KHALEEL, B. A. B. L. to appear and conduct the above case on my behalf to judgment.

2. I further empower them to do all necessary acts in the above case, to execute any decree or order that may be passed in my behalf and to receive from the Court all documents, refunds, and all sums of money that I may be entitled to get and grant receipts therefor.

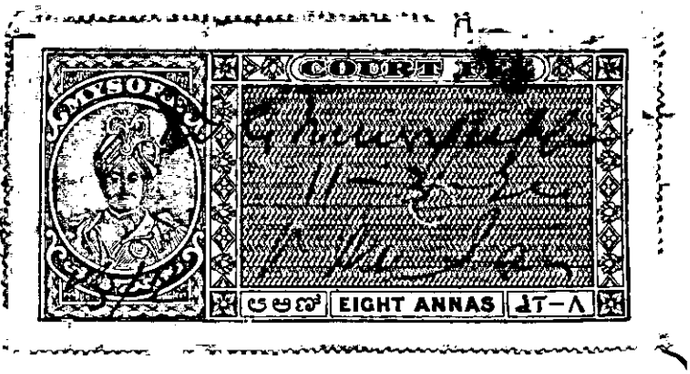
3. I also undertake to confirm and ratify all the acts done by the said Advocates or by any other Advocate on their behalf in so doing.

G. Munigappa

BANGALORE,
15/3/1924.

Personally known to me and signed in my presence,

Accepted
B. V. Ramaswamy Chetty
R. Venkata Ramiah
A. J. Khaleel
Advocates



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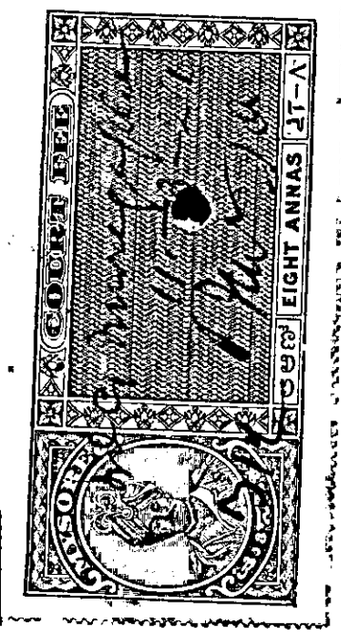


In the Court of the Deputy Commissioner—
Tumkur District

Dated Tumkur the 8th March 1924.

Present:- Md. Zahiruddin Mecci, Esqr. B. A.,
Deputy Commissioner,
Tumkur District.

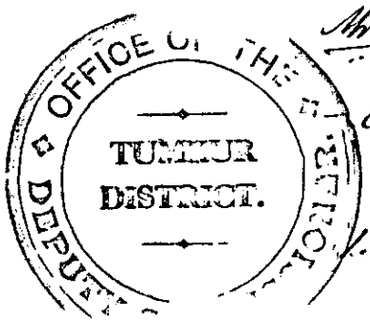
Objection petition No. 2/1923-24.

Petitioner.

Mr. G. Rajagopala-
char, Gubbi. —vs.—

Counter petitioner.

Mr. G. Murigappa.
Gubbi.



1. The petitioner presented a petition on 23-2-24 Contesting the election of the Counter-petitioner to the Representative Assembly by the Gubbi urban Constituency alleging that.

(a) The opponent who happens to be the Vice-president of the Gubbi ~~Town~~ Town Municipality, employed the Sanitary — Maistry to canvass Votes for him and thus brought to bear upon the

(i) the Voters the obligation to Vote for the opponent alone, as he was the Sanitary — Maistry's official Superior.

(b) That the opponent not only employed people to collect Voters in a place where refresh- -ments were offered by his agents, but that they were also led into the polling room where the Sanitary Maistry allowed only those who would Vote for the opponent, and at his instance many Voters were not admitted to go into the room. —

(c) That the opponent's agents threatened a few Voters by saying that the opponent would harm them and thus made them refrain from Voting for a candidate for whom they intended to Vote. —

(d) That the opponent promised that he would give the Adidravidas other advantages just as he had given them a well. —

(e) That the opponent managed to secure many Votes by saying that as the Vice- -President he would get the polling box himself and that he would find out who has not Voted for him and thus bring such of those who did not Vote for

for him to trouble and that the petitioner heard this on information.

(f) That for the foregoing reasons, the action of the opponent amounted to grave corrupt practice disentitling him to be declared duly elected and that the petitioner may in his stead be duly declared elected.

2. The following exhibits were filed on behalf of the petitioner.

A1. Slip containing the opponents name written by his son-in-law Mr. Ghatti Chennappa.

A2. A3. Slips containing the opponents name in the hand writing of the opponents son Gubbi Settappa.

A4. Slip in the hand writing of the Municipal attender Manjundiah.

On behalf of the Court.

13. Petition presented to the Amildar of Gubbi by Muddamma on.

Plan 5

Order

The main allegations against the opponent are that 1st by the opponent Mr. G. Murigappa employed the Sanitary Maistry to canvass Votes for him, who was his official Superior, being the Vice

Plan N

OFFICE OF THE DEPUTY COMMISSIONER TUMKUR DISTRICT.

Vice president of the Gubbio Municipality; and the Sanitary Maisbry brought his influence to bear on the Voters. —

2ndly, The opponent and his agents had arranged for an Aravalligè near the polling office, where Voters were collected and served with refreshments, and then led to the polling office by his agents, who pushed aside people who had come to vote for other Candidates, and thus prevented them from gaining entrance and otherwise hampered them in the exercise of their right to vote. —

3rdly the opponent and his agents by inducements and Threats managed to secure many Votes in his favour, as also by having recourse to objectionable methods; such as peeping through the windows to see the Voters & over hear the names of the Candidates they mentioned to the pollingofficer, as those whom they wished to vote for, and this overcame them in the exercise of their discretion and free will. —

2. Now so far as the Sanitary Maisbry is concerned, it is evident that though

the.

the Amildar president had passed a Memo directing 4 of the Municipal Subordinates by name including the Sanitary Maistry to go and report themselves for duty to the polling officer at 11 A.M. and help him in his work if so desired, yet while the other 3 in obedience to this order, saw the polling officer at the exact hour, and were taken on duty, the Sanitary Maistry some how did not comply with it and did not go to the polling officer and when after all he went here at about 2 P.M., it was to record his Vote, as testified to by patel Hempa-nna P.W. 10. Though he was not taken on duty yet after recording his Vote, after remaining with patel and others for a while, he of his own accord, went and took his seat at the entrance behind one of the Shutters that was kept closed. It is alleged by the petitioner that the Sanitary Maistry interfered with the Voters admitting only those who had chits with opponents name, obstructing, pushing back and otherwise ill-treating those who

OFFICE OF THE DEPUTY COLLECTOR TUMKUR DISTRICT.

who were not for the opponent, in
consequence of which several Voters
went away without recording their
Votes. This is Corroborated and Supported
by the evidence of P. W. 4 Mahamed Ghous
who says that as he saw a large —
number of Voters who had been allowed
to get in to the ~~Polling~~ polling room,
and saw the Compounder of the dis- -
-pensary rushing past him, he also
attempted to go in, but the Sanitary
Maistry dragged him back, and an —
protest spoke disparingly of him:
He also says he saw this Maistry Snatch
away from a Voter the chit containing
the name of one Mr. Abdul Rahiman
a candidate, and give him instead,
one with the name of the opponent, out
of a bundle of such chits in his hand,
three of which witness saw had the
opponents name thereon. This witness
also says that opponents 2 Sons his
Son-in-law Channabasappa, Chan-
-drappa and others were standing
outside the polling office near the
entrance, and trying to push in and
secure entrance for their own
men

men, pushing aside those who had come 19
to vote for the witness - According to P.W.10,
the Sanitary Maistry used to take the
chits from the hands of Voters return
them after examining them. This of course
is what he saw from where he was
seated in the middle of the room, along
with the others, and it is not impro-
-bable that in doing so the Sanitary
Maistry took advantage of the condition
in life of ignorance Voters and sub-
-stituted other chits with the opponents'
name. Bidare channappa P.W.9 also
supports him, and says that when
he wanted to get in, the Sanitary
Maistry interfered with him, and
detained him for no less than half
an hour before he was let in! If
the Sanitary Maistry was really and
honestly trying to regulate the ingress
and egress of Voters, and did not
intend to inconvenience and harass
them, surely he did not require
to detain this witness for such a
long time! Opponents' own witness
Chandrappa admits that the Sanitary

OFFICE OF THE DEPUTY COMMISSIONER TUMKUR DISTRICT.

(2) Sanitary Maistry was seated to a side though he says he did not see what he was doing. —

3. The evidence of the polling officer P.W. 3 is very important in this connection, which shows that even after the Sanitary Maistry was turned out of the polling room the latter did not desist from his unconscionable methods. P.W. 3 says he did not allot any duty to the — Sanitary Maistry, and that he did not come and report himself to him for duty, and yet when P.W. 1 Com- plained to him that the Sanitary Maistry was seated at the door and was giving chits to the Voters and inducing them to vote for the opponent, he went and found the Maistry so seated and set him out. Later on Mr. Gangappa another Candidate came and complained to him that the Sanitary Maistry was interfering with the Voters, and making "Chitavani" to them, where upon he went to the door, spoke loudly requesting that no Government Servant should interfere with the Voters, and thus

5 Thus spoil the work that the writer was doing with so much trouble?

Flag A The evidence of Girija, P.W.11 the peon of the polling officer throws some further light on the doings of the Sanitary Maistry. He says he was outside the entrance to the polling office, while the Sanitary Maistry was inside and having learnt as per Sanitary Maistry's "~~Manifesto~~ Makiful" that he should let in only such persons as had chits, he was strictly enforcing this rule, and excluding all those who had no chits with them. What guarantee is there that this was not, under a pre-arranged plan, to exclude all voters for the petitioner, who apparently had issued no such chits with his name. —

OFFICE ... TUMKUR DISTRICT. DEPUTY

H. The question is on whose behalf and in whose interest was the Sanitary Maistry working? It was argued by the learned Counsel for the opponent, that it would be unfair to make any inference against the latter, from the doings of the Sanitary Maistry, and that he might have been working for some candidate of his own. But not only

only has the Sanitary Maistry himself been not called to disprove these serious allegations, but it has not even been suggested as to the candidate in whose behalf he might be supposed to have been working. It is to be remembered that the opponent is the elected Vice-President of the Municipality, and is practically in sole charge of the Municipal affairs in the town, more especially in matters connected with the work and duties of an executive officer like the Sanitary Maistry, and though the Amildar is the Ex-officio ~~officer~~ President of the Council, yet with his multifarious duties connected with the Revenue, the Police, the Excise, the Magesterial the Munsiff, and a lot of other departments, it is not unnatural that he should find little time to devote to Municipal affairs, which must naturally gravitate towards the Vice-President. It was in fact with this object that the Government gave the Municipal Council of Gubbi the right to elect its own Vice-

Vice-president, and the observation of the learned Counsel for the petitioner, that the Vice-President under the circumstances, was all in all in Municipal matters, cannot be regarded as altogether out of place. The indifference with which the Sanitary Maistry treated the Amildar President's Memo requiring him along with the others to report themselves at 11 A.m. to the Polling officer for orders, sufficiently indicates the importance which he attaches to the Vice-~~[illegible]~~ president.

5. In the present case, what is the exact position? While he was clearly disobeyed the orders of the Amildar-President and he has not come forward to explain his conduct and treated ~~him~~ with such scant courtesy the polling officer, he has been found to have been actively, zealously and doggedly engaged in furthering the cause and the interests of the opponent who is his master? In fact he is proved to have been so defiant of his ~~master~~ master's adversaries and so unmindful of the consequences of his acts, that as soon as he was

OFFICE
TUMKUR
DISTRICT.
DEPUTY

was) turned out of the polling room, and thus prevented from interfering with the Voters, he immediately plunged into the turmoil outside, and began openly canvass for Votes for the opponent, so much so that his doings attracted the attention of the other ~~dono~~ Candidate Mr. Gangappa, who went and complained against him to the polling officer. I have no hesitation in saying that the Sanitary Maistry was doing all this as an agent of the opponent, for which he must be held responsible. —

6. As regards the Aravattige where water & butter-milk were being served out to the Voters, in addition to the petitioner, who says that it had been arranged for by the opponent and his son-in-law, who told him that they had done so, there is the evidence of patel Kempanna P. W. 10 who swears that it had been arranged for by opponents' son-in-law, who kept butter-milk on the 15th and water on the 16th, that people who came to record their Votes used to go there, have a drink and come and vote in the room. P. W. 5 Guru

Gurudasappa says that he heard that the Aravattige had been arranged for by the opponents' party, while P.W. 8 Cheluviah retired police Jaffedar says, his information was that it had been kept by opponents' son-in-law.

7. On the opponents' side Mr. Subbara-yappa has been called to prove that he had kept the Aravattige, and distributed butter-milk to those who Came only on the 15th February. He says he did so on his own behalf and not on that of the opponent, as is usual with the witness on Sante days, when there is a large concourse of people. Apart from the fact that the opponent has not thought it fit to call his son-in-law himself to disprove the allegation, nor indicated this fact in the explanation which he furnished on 1-3-24, there are one or two points in the evidence of this witness, which make me suspect if he has not come forward to save the opponent at any cost. If as he says, he arranged for the Aravattige on the 15th, as is usual with him, when he expects a large

(4 written off)
Flag D1

OFFICE OF THE DEPUTY COMMISSIONER TUMKUR DISTRICT.

large crowd of people, then his —
explanation for his failure to do so
on the 16th falls to the ground. He
says he did not keep it on this date
because there were not many people.
But the incentive for the keeping of the
Aravattige is not the result of the
event, but the expectation of the people
in large numbers, and every body knew
that as a large number of Voters had
not been able to record their Votes
on the 15th, the polling would be con-
-tinued on the next day? The next
point arising out of his evidence, is his
denial that he ever saw either the
opponent's son, or son-in-law, or the
Sanitary Maistry there that day! O.W.2 Flag C
Chandrappa's evidence as also that of
Rukmanna O.W. 5 on this point, is also Flag B
not free from suspicion. Not only
are both these witnesses interested —
O. W. 2 being indebted to opponent's son-
in-law and O. W. 5 being a tenant under the opponent or his son-in-law, while O.W. 2 swears he did not at all see the opponent, and he swears the Sanitary Maistry was not there at all! The evidence Flag A
of O. W. 3 Lakshminarasappa is similarly Flag D
extremely unworthy of credit. It is
remarkable that while with a view-

to

to meet the charge that he was one of those who were actively engaged in influencing Voters in favour of the opponent, and taking them in batches to the Polling room, allowing out those of the rival candidates! he came determined to swear that he never went to the Polling Station at all on the 15th, February, but only on the 16th to record his own Vote late in the evening, he at the same time wanted to save the opponent from the charge of keeping the Aravalligas, and he readily swore, not only that it was kept by Subbarayappa C. W. 4, and learnt from enquiries to that effect but further that he saw C. W. 4 actually doling out the butter-milk! When questioned by the Court if he saw the distribution of the butter-milk on the 16th by C. W. 4, he suddenly changed his front, tried to get out of the dilemma he had created for himself, by saying that the distribution was on the 15th, and he saw it, while returning from Railway Station! He wanted to make believe further that he never Ventured into the Taluk office premises, as there was lot of galata but was ready to swear again the at he did not see the opponent, or his son or his son-in-law there, and

OFFICE
TUMKUR
DISTRICT.

and entirely denied all knowledge of the person who was regulating the Voting at the door! His Conduct has also otherwise been prevaricating to a degree, and his evidence also strikes me as having been got to order. There seems to be little doubt therefore that the Aravallige had been arranged for by the opponents son-in-law on his behalf. —

8. It was argued by the learned Counsel for the opponent, that the Taluk office premises had no well, and there was no water available all round for a pretty long radius, and people would have been put to considerable hardship, if an Aravallige had been wanting, and even if the opponent be said to have made the necessary arrangements to enable the people to quench their thirst under a scorching sun, the water and butter-milk could not be called by the name 'refreshments' and nothing serious could be inferred against the opponent. It has to be observed however that the very circumstances under which the arrangements were made make them have an awakward about them. It may be presumed that under the conditions detailed above,

few

7 - few persons would have cared to exchange a drink of buffer-milk under the shady tree with any kind of refreshe-ments in a solid from, under a blaying Sun. The refreshment arranged for must in justice to the organiser, be said to have been ideal, and the boon it would have created among the Voters from the rural parts, in favour of the opponent is self evident! -

9. Add to this the active canvassing that is said to have been going on by his relations and friends, who are alleged to have been leading the Voters in batches after the refreshments to the Polling office, bustling away the other Voters, and making room for them, and the co-operation of the Sanitary Maistry at the entrance of the Polling office, allowing free entrance to such Voters whatever their number, and the way the other Voters were obstructed and ill-treated by him, and the result would not have been doubled, - Specially as these Voters while being let in, were being specially told to be careful about what they did, that they should retain the first name which was the opponents and score off the rest! In this connection it is important to note the petition-ers

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3)) Petitioner's allegation, That as the Voters were being served with butter-milk at the Aravattige, the opponent's son-in-law was engaged in writing chits and getting them distributed among the Voters. The opponent however swears that all the chits containing merely his name, that had been distributed among the Voters, 400 to 500 in number, had all been written and distributed by himself, and he was not aware of any other person having written and distributed such chits. Exhs. A 5 and A 4 chits containing the opponents name have been produced on behalf of the petitioner, which are not in the opponents handwriting. Two of these are admitted by him to be in the handwriting of his own son, and the 3rd, though denied by him to be in the handwriting of his son-in-law Chennabasappa is — admitted to be so by C.W.2 Chandrappa. About the 4th it is suggested it is in the handwriting of the Municipal Attender Manjundiah. The allegation of the petitioner, that these chits were being written and freely distributed to the Voters near the Aravattige, before they were marched on to the polling office does not seem to be altogether unfounded. -

plaint

plaint

A5

As regards the inducements and threats used in connection with the electors Chikkarani, the petitioner has referred to the opponent speaking to the Adidravidas behind the Sarogi's office, about his having given them well, and promising them further facilities and asking them to vote for him. He is supported by the evidence of Gurudasappa P.W.5 (a Christian Voter), and Kutcha P.W.6 and Poddakaraiah P.W.7 who say that in the course of his conversation about the wells, he promised to give them also the pulley, which according to P.W.5 he said it was at his house, and they may take and put it on. P.W.5 says that opponent wanted them to give their votes for him; while P.W.6 refers to the petitioner telling them that they should vote not as he or the opponent told him, but as they thought fit.

OFFICE DEPUTY TUMKUR DISTRICT.

later on as the Adidravidas were near the polling room P.Ws. 6 and 7 deposed that opponents son-in-law came and threatened them to say that they must be careful as to whom they gave their votes, as they had to come to the town with their carts and bullocks every now and then. The petitioner also refers to this and says that the oppo-

opponent's son-in-law told the Adidravidas that they should be careful as to whom they gave their votes, as otherwise, he would see they did not gain admittance into the town. Whether this was the exact language used or if it is the natural inference to be drawn from the threat used is not very material, but the language as spoken to by the Adi-dravida witnesses is sufficiently indicative of its threatening nature. But while the petitioner remonstrating with Galli Chennabasappa the opponent is alleged to have come and told him that, as his son-in-law was not a candidate, he was not. ~~Son-in-law~~ fettered with any such restrictions. The evidence of P.W.6 Hulcha is objected to on the ground that he was not a voter but it is not unlikely he should have gone to vote with the others, as his father's land is in his enjoyment; though he was told that owing to the khate not having been transferred to his name, he could not do so. - -

12. The opponent is said to have further told the voters that as the voting box would be in his office, he would be able to see how they had voted and for whom. This is spoken to by the petitioner and P.W.8

11 P.W.8 Cheluviah, the former person saying that people came and asked him if it was true that the opponent would be able to find this out, and do harm to those who had not voted for him. Though Pullaiya who actually questioned P.W.1 about it has not been called, yet the evidence of the polling officer is quite clear that voters came and asked him where the polling box would be opened and the votes counted. In his cross-examination he says he cannot say who and how many people questioned him like this, but they were all illiterate people. This shows that it is not improbable that an idea had got abroad to the effect that the names of persons for whom the voters had recorded their votes could be easily ascertained by the opponent and this would have embarrassed the illiterate voters not a little in the free exercise of their will...

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13. There is yet another method which is said to have been adopted to overcome the voters, and prevent them from giving their votes to any except the opponent, Viz., of peeping through the windows to see whose names they were giving out to the polling

polling officer to be struck off and to be retained. It is alleged by the petitioner that the opponent's son in-law and his other friends Chandrappa, Siddalingappa and others, would every now and then go and peep through the window, the opponent himself having done so at times, and that the petitioner went and complained to the polling officer several times in the matter. This is corroborated by the latter, and his evidence shows in fact that several persons must have complained to him about this, and he not only sent word to the police to keep patrolling all round the building and prevent such persons from peeping through the window, but on one occasion he looked through the window himself, saw 4 or 5 persons standing there and sent them away. --

14. Out of this attempt at ~~cases~~ dropping ~~dipping~~, arose a quarrel between the opponent and the Jamadar. According to the petitioner owing to the police being from fault with for allowing people thus to peep through the windows, the Jamadar was being talked of as having stated that such people would be spat on their face and turned out, and owing

to

to this there was a big galata, some
of the people threatening to go back
without recording their votes, and the
opponent took a very prominent part
in raising a protest against the
expression of such a sentiment.
He is corroborated by P.W. 5 Gurudas-
sappa, who says that opponent went
and expressed by "Sillod" to him
"Sillevi" on him.
The evidence of the patel also supports
this in a way. According to the polling
officer, soon after the incident of his
warning the police about their allowing
people to peep through the window,
he found the police had left the
place when he had to make other
arrangements to maintain order.
The petitioner makes out that this
was because of the Daffedar having
been reprimanded by the police
Inspector on the complaint of the opponent
The polling officer says that he learnt
subsequently that the police had left
the place because there was some
quarrel between them and the people,
but he says he did not probe the
matter further. His conduct in the
witness box has given me the idea that
as far as possible he avoided
mentioning

mentioning things which would place the opponent in a more ~~awar~~ awkward position, but even as far as he has given, I should say there is enough to support the petitioner is most of his allegations and to call the conduct of the opponent and his agents seriously into question. --

15. The Amildar's evidence as to what transpired in the office when the results were announced, also further confirms my view of the case. As soon as it was announced that the opponent had succeeded in securing the largest number of votes, the opponent apparently in a spirit of exultation gave out that as many as 40 people had worked for him for the past 2 months! From a perusal of the evidence and the way in which things seem to have been managed, it is no wonder that such a large number of people had been detailed to work. But while there would have been no objection to a larger number working on any persons behalf the question always is as to the methods pursued in the working. The Amildar's evidence is so straight-forward and open, that

13 - That there is absolutely no reason for any doubt in the matter. - 35

16. The evidence of Muddamma Court-witness did not be refused to in detail. She says that on the day she went to record her Vote the opponents Son, and one Basava called her, and asked her to take their chit and Vote for the opponent promising some advantages in the shape of land etc. It is contended that according to her own story she has a bias of grid against the opponent because if his enforcing the Municipal Regulation against her. This cuts both ways, and it is nothing strange in view of the great efforts that were being made to secure as many Votes as possible in favour of the opponent that an attempt was made to secure Muddammas by this kind of overture. - -

17. As regards the conduct of the opponent by the witness box suffice it to say -- that his evidence is one long list of categorical denials of all the allegations made, so much so, that he has gone to the length of denying facts whose admission was admittedly harmless. In fact he has denied that he ever saw his son-in-law Galli Channa basappa or the Sanitary Maistry that day

day near the polling station. Comment is needless. - -

18. Though the opponent pleads that he was not aware of what his son, Son-in-law or his other friends were doing and it is contended that he cannot be held responsible for the foolish and thoughtless acts of others, though they might be his own close relatives, yet I find that they must be held to be his agents, as he never repudiated their acts, nor can he plead that he was altogether unaware of what all these persons were doing for the purpose of promoting his election. - -

19. Under the circumstances, I am of opinion that the opponent is guilty of having committed corrupt practices in the course of his election campaign and order his election to be invalid, and declare the candidate who has secured the next highest number of votes Viz., Mr. G. Rajagopalachar as the candidate duly elected. The petition is allowed with costs. - -

In open Court

(Sd) Md Zahiruddin Mecci
Deputy Commissioner
Tumkur District
8-3-24.

"Copy"

'59

Copy applied by. Mr. G. Murigiappa
Copy applied on 10-3-1924
Applicant told to appear on 11-3-1924
Copy ready on 11-3-1924
Applicant appeared on 11-3-1924
Copy delivered on 11-3-1924
Number of words 4735
Copying fees 6-0-0
Comparing fees 1-0-0
7-9-0

"Copy."

G Ramachari R
District Sheristadar

2.4.0

OFFICE
TUMKUR
DISTRICT.
DEPUTY COLLECTOR.

G S. VI--G/32]

SUBJECT ... Forwarding the petition of Mr. G. Muniyappa for report

(40)

Diary No. of letter replied to 40444/D

Section RA
File No. 29-23
Serial No. 26

General and Revenue Secretariat
(RA)
, *the* 192 .

No. P. 5351

Date of issue 22-3-24

Signed by ... for C.A. Ghani

To

The Deputy Commissioner
Kolar

Sir,

I am directed to forward for an early report with records petition of Mr. G. Muniyappa of Srinivasapura (with all its enclosures) dt. 15.3.24 appealing against the order of the Dy. Comr. in re: the election of

over.

M. G. Rajagopalachar
M.A.L.L.

WD 0632 - GPB--1500--6-9-23

(4)

as a Member of the

Rep: Assembly from

the Gwebi Urban Constituency

Thanks

19/3

For Secretary

Local Legislation

19/3

List of enclosures.

Copied by

Examined by

42) 4297 P
R.A. 29-23-22

Office of the Deputy Commissioner,
Tumkur District.
Dated Tumkur the, 27th March 1924.

From

Md. Zahiruddin Mecci, Esquire, B.A.,
Deputy Commissioner, Tumkur District.
T U M K U R.

To

B. Nagappa, Esquire, Bar-at-Law,
Secretary to the Govt: of H.H. the Maharaja of
Mysore, Local & Legislative Departments,
B A N G A L O R E.

Sir,

Referring to your letter No. P, 5351/R.A. 29-23-6 dated the 22nd instant forwarding the petition of Mr. G. Murigappa -- appealing against the order of this office invalidating his -- election, I have the honor to forward herewith by registered - post the file of records connected with the case. As the grounds urged in the petition are fully discussed in the order the same is not repeated here.

2. The petition under reply is also returned herewith.

I have the honor to be,
sir,
Your most obedient servant.

For Deputy Commissioner,
Tumkur District.
(Absent from the Station.)

AD. 27/3.

3-1840 1923-1924

From

The Deputy Commissioner,

Tumkur District. TUMKUR.

To

The Secretary to the Govt: of Mysore

Local and Legislative Departments

B A N G A L O R E.

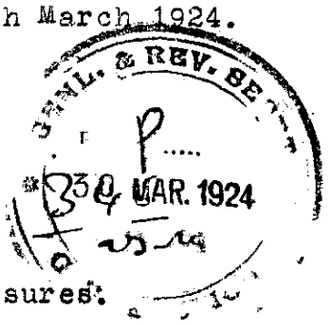
Dated Tumkur the 27th March 1924.

Despatched.

Received.

General No.

No.



Enclosures:

Forwarding the file of records connected with the order of this office invalidating the election of Mr. G. Murigappa to the R.A.,

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G. R. S. VI—G/32]

SUBJECT Petition Dismisses the appeal of W. G. Murigappa Merchant Gubbi in re: his election to the R.A. from the

Diary No. of letter replied to 4297

Section. RA

File No. 29-23

Serial No. 59

General and Revenue Secretariat

(RA)

, the 192 .

No 6750

Date of issue 18/8/24

Signed by W. G.

To W. G. Murigappa Merchant, Gubbi

With reference to his petition dated 1st March 1924 appealing against the order of the Deputy Commissioner Tumkur setting aside his election to the Representative Assembly from the Gubbi Urban Constituency on the ground of ~~having~~ ~~committed~~ Corrupt practice during the election proceedings

over

and stating that the
Deputy Commissioner has
failed to properly ap-
preciate the evidence and
based his findings on unjusti-
fiable presumptions and in-
correct inferences &c and
requesting that the Deputy
Commissioner's order may be reversed
with costs and he be declared
elected, Mr Murigappa
is informed, that on a
perusal of the records and
a careful consideration of all
the facts of the case Government
do not find valid grounds to impeach the findings of the Dy Comr and/or
~~see note~~ reason to interfere
with the order appealed
against.

The appeal is therefore
dismissed.

By order

13/8 Asst Local & Legis Secy

List of enclosures.

Copied by

Examined by

WD 2215-GPB—2,000—6-6-24

757 Records

Memo. of 18/8/24

Copy of the above is forwarded to the Dy Comr Tumkur Dist for information with reference to correspondence Letter No. Rev 346 dt 27.3.24 is returned with the file of the case, received therewith

No. 188.